

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED

APR 19 2018

Matthew J. [Signature]
CLERK

JERRY LEE CRAIG, SR.,

Plaintiff,

vs.

DARIN YOUNG, SOUTH DAKOTA
ATTORNEY GENERAL'S OFFICE,

Respondents.

1:17-CV-01016-CBK

ORDER DENYING CERTIFICATE OF
APPEALABILITY

TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT:

Jerry Lee Craig, Sr. filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his September 12, 2013, conviction and 150 year sentence for rape, sexual contact with a minor, and aggravated incest. He claims his Fifth, Sixth, and Eighth Amendment rights were violated during state court proceedings. I denied the petition.

Pursuant to 28 U.S.C. § 2253(c)(1), an appeal from an order dismissing a petition for a writ of habeas corpus may not be taken unless a judge issues a certificate of appealability. A certificate of appealability may issue only if the applicant has made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484, 120 S. Ct. 1595, 1604, 146 L. Ed. 2d 542 (2000). Petitioner did not and has not made a substantial showing that jurists of reason would find it debatable whether the petition was correctly dismissed.

IT IS HEREBY CERTIFIED that there does not exist probable cause of an appealable issue with respect to the Court's order denying petitioner's petition for a writ of habeas corpus. This in no way hampers the petitioner's ability to request issuance of the certificate by a circuit judge pursuant to Fed. R. App. P. 22

DATED this 13th day of April, 2018.

BY THE COURT:



CHARLES B. KORNMANN
United States District Judge